

SENATE BILL REPORT

SB 6012

As Reported By Senate Committee On:
Water, Energy & Telecommunications, February 20, 2007

Title: An act relating to shoreline master program provisions on islands in Puget Sound.

Brief Description: Concerning shoreline master program provisions on islands in Puget Sound.

Sponsors: Senators Poulsen, Rockefeller, Pridemore, Oemig, Fraser and Regala.

Brief History:

Committee Activity: Water, Energy & Telecommunications: 2/16/07, 2/20/07 [DP, DNP].

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Marr, Morton, Oemig, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Honeyford, Ranking Minority Member and Holmquist.

Staff: Jan Odano (786-7486)

Background: Recently, under its Shoreline Master Program a county denied a conditional use permit for mining activities. However, an appellate court decision determined that the Growth Management Act provisions regarding "commercially significant" mineral resource lands prevails over the Shoreline Management Act, and that the mining activities must be allowed and expanded to a level that could serve off-island markets around Puget Sound. The court also determined that barge transportation was the only economically reasonable way to reach this "commercial significance."

Summary of Bill: The Shoreline Management Act is amended to expressly allow counties to adopt a shoreline master program provision specific to shorelines of the state located on inhabited islands within Puget Sound.

For such shorelines, the county master program may prohibit mining uses completely, or may limit the intensity of mining and associated activities, including transportation of the minerals, to a level that is commercially significant considering the market for such materials on the island.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill provides local control of the nearshore land use. The Shoreline Hearing Board and Appellate Court have forgotten the doctrine of local control. If the Supreme Court holds the appellate court decision, then King County is ordered against its will to allow a dock to be built on Maury Island. This would clarify that the Growth Management Act, which governs upland activities, does not govern the Shoreline Management Act. The Growth Management Act, Shoreline Management Act, and State Environmental Policy Act are all important to local governments. They haven't been able to adequately protect Puget Sound. King County should be able to determine shoreline use.

CON: The Growth Management Act and Shoreline Management Act are clear and the courts have upheld both. This bill is not needed, because shoreline management with respect to mining is already addressed.

Persons Testifying: PRO: Kathy Fletcher, People for Puget Sound; Dow Constantine, King County Council; Kathy George, Preserve our Island, Washington Environmental Council.

CON: Tom Clingman, Department of Ecology; Steve Gano, Pete Stoltz, Glacier Northwest; Stephen Roos, Ryan Durkan, Glacier Northwest, Hillis, Clark, Martin, & Peterson.